

House Bill 1462 (AS PASSED HOUSE AND SENATE)

By: Representative Keown of the 173rd

A BILL TO BE ENTITLED
AN ACT

1 To create a new charter for the City of Coolidge; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
11 and regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,
16 and appropriations; to provide for city contracts and purchasing; to provide for the
17 conveyance of property and interests therein; to provide for bonds for officials; to provide
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for
19 penalties; to provide for definitions and construction; to provide for other matters relative to
20 the foregoing; to provide for severability; to repeal a specific Act; to provide for effective
21 dates; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

This city and the inhabitants thereof are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style City of Coolidge, Georgia, and by that name shall have perpetual existence.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map to be retained permanently in the City of Coolidge City Hall and to be identified by the city clerk as Official Map of the Corporate Limits of the City of Coolidge, Georgia. A photographic, typed, or other copy of such map or description certified by the City of Coolidge shall be admitted as evidence in all courts and shall have the same force and effect as with the original map.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

SECTION 1.13.

Specific powers.

The corporate powers of the City of Coolidge to be exercised by the governing authority may include the following:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running of at large of animals and fowl and to provide for the impoundment of the same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter or for municipalities by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;

(4) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Condemnation. To condemn property inside or outside the corporate limits of the city for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures as the same shall exist from time to time provided by the O.C.G.A.;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(9) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with general law, relating to fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal fee and other sanitary service charge as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services or to whom such services are available; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(11) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(13) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(14) Jail sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city, to provide for commitment of such persons to any jail, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(17) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter and the laws of the State of Georgia;

(18) Municipal property ownership. To acquire, dispose of, lease, option, hold in trust or otherwise, accept, or transfer an interest in any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(19) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same;

(21) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(23) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(24) Police and fire protection. To exercise the power of arrest through duly appointed police and to establish, operate, or contract for a police and a fire-fighting agency;

(25) Public hazards: removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under procedures provided by the O.C.G.A. as the same shall exist from time to time;

(27) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(28) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(29) Public utilities and services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations standards, and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as the same are not in conflict with valid regulations of the Public Service Commission;

(30) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(31) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, provide drainage for, adorn with shade trees or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to impose penalties for failure to do so;

(33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sanitary sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials; and to provide for the sale of such items;

(35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which the city may deem to be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders and theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(40) Urban redevelopment. To organize and operate an urban redevelopment program; and

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.14.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provisions, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.10.

City council creation; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and six councilmembers. The city council shall in all respects be a successor to and continuation of

235 the governing authority under prior law. The mayor and councilmembers shall be elected
236 in the manner provided by general law and this charter.

237 **SECTION 2.11.**

238 City council terms and qualifications for office.

239 The members of the city council shall serve for terms of four years and until their respective
240 successors are elected and qualified. No person shall be eligible to serve as mayor or
241 councilmember unless that person shall have been a resident of the city for 12 months prior
242 to the date of election of the mayor or member of the council; each person holding city office
243 shall continue to reside therein during his or her period of service, be registered and qualified
244 to vote in municipal elections of this city, and be at least 21 years of age.

245 **SECTION 2.12.**

246 Vacancy; filling of vacancies.

247 (a) Vacancies - The office of mayor or councilmember shall become vacant upon the
248 occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other
249 applicable laws as are or may hereafter be enacted; provided, however, the office of mayor
250 or councilmember shall be come vacant upon the unexcused absence of the holder of the
251 office from four consecutive regularly scheduled meetings of the city council. Excused
252 absences shall be granted by a majority vote of the remaining city councilmembers and the
253 mayor as provided in Section 2.21 of this charter and shall be entered upon the minutes of
254 the council meeting.

255 (b) Filling of vacancies - A vacancy in the office of councilmember shall be filled for the
256 remainder of the unexpired term, if any, by appointment by the remaining councilmembers.
257 A vacancy in the office of mayor shall be filled by the mayor pro tempore. The council shall
258 appoint a councilmember to serve the remainder of the unexpired term of the position
259 vacated by the mayor pro tempore.

260 **SECTION 2.13.**

261 Compensation and expenses.

262 The mayor and councilmembers shall receive compensation and expenses for their services
263 as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

264 **SECTION 2.14.**

265 Conflicts of interest.

266 (a) Elected and appointed officers of the city are trustees and servants of the residents of the
267 city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any ordinance, resolution, contract, or other matter in which that person is financially interested.

SECTION 2.15.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as provided by ordinance.

SECTION 2.16.

General power and authority of the city council.

Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city as provided by Article I of this charter.

SECTION 2.17.

Eminent domain.

The city council is empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities and any other public improvements inside or outside the city and to regulate the use thereof; and, for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.

Organizational meetings.

The city council shall hold an organizational meeting on the first meeting in January following the regular election, as provided in Section 5.11 of this charter. The meeting shall be called to order by the city clerk, and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) for the City of Coolidge, to the best of my knowledge, skill, and ability; that I am not the holder of any unaccounted for public money due to the State of Georgia

or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state, which I am by the laws of the State of Georgia prohibited from holding; that I am qualified to hold the office which I am about to enter according to the Constitution and laws of Georgia; that I will support the Constitutions of the United States and the State of Georgia; that I have been a resident of the City of Coolidge for the time required by the Constitution and laws of the State of Georgia and the Charter of the City of Coolidge, so help me God."

SECTION 2.19.

Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law, and notice to the public of special meetings shall be made fully as is reasonably possible as provided by Chapter 14 of Title 50 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

SECTION 2.20.

Rules of procedure.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairs and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

SECTION 2.21.

Quorum; voting.

Four councilmembers other than the mayor or the mayor and three councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. Voting on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the journal; but any councilmember shall have the right to request a roll-call vote, and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of four councilmembers shall be required for the adoption of any ordinance, resolution, or motion. The mayor shall vote only in the event of a tie or when an affirmative or negative vote by the mayor constitutes a majority of four votes. An abstention shall not be counted as either an affirmative or negative vote.

SECTION 2.22.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Coolidge" and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Except for emergency ordinances, all ordinances shall have two separate readings; provided, however, the city council may dispense with the second reading with the unanimous consent of the members present. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.

SECTION 2.23.

Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or three councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a

franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least four councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law, and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Chapter 14 of Title 50 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

SECTION 2.25.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for inspection by the public.

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

(a) The city clerk shall authenticate by his or her signature and record in full, in a properly indexed book kept for that purpose, all ordinances adopted by the council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be

adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Coolidge, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.27.

Chief executive officer.

The mayor shall be the chief executive of this city. The mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia and all the executive powers contained in this charter.

SECTION 2.28.

Powers and duties of mayor.

As the chief executive of this city, the mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the official head of the city for the service of process and for ceremonial purposes;
- (3) Have power to administer oaths and to take affidavits;
- (4) Sign all written contracts entered into by the council on behalf of the city and all other contracts and instruments executed by the city which by law are required to be in writing;
- (5) See that all laws and ordinances of the city are faithfully executed;
- (6) Suspend any or all appointed officers, department heads, or employees of the city for cause, said suspension to remain in effect until the next council meeting wherein the full council shall determine whether the suspension shall be lifted or whether the officer, department head, or employee shall be removed from the employ of the city;

- (7) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (8) Submit to the council at least once a year a statement covering the financial condition of the city and, from time to time, such other information as the council may request;
- (9) Recommend to the council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he or she may deem expedient;
- (10) Call special meetings of the council as provided for in Section 2.31 of this charter;
- (11) Require any department or agency of the city to submit written reports in connection with the affairs thereof whenever he or she deems it expedient;
- (12) Vote only in accordance with Section 2.21 of this charter; and
- (13) Perform other duties as may be required by law, this charter, or ordinance.

SECTION 2.29.

Mayor pro tempore; selection; duties.

By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. In the mayor's absence, the mayor pro tempore shall preside at meetings of the city council and shall assume the duties and powers of the mayor upon the mayor's physical or mental disability, provided that the mayor pro tempore shall vote as a member of the city council at all times when serving as herein provided.

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

- (a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions and duties of and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of this city.
- (b) Except as otherwise provided by this charter or by law, the directors of city departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.
- (d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for

the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointive officers, directors, and department heads under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointive officers, directors, and department heads shall be employees at will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by this charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed in this charter for the original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the city clerk an oath obligating himself or herself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor.

(g) All board members serve at will and may be removed at any time by a vote of three members of the city council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the

507 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
508 regulations shall be filed with the city clerk.

509 **SECTION 3.12.**

510 City attorney.

511 The city council shall appoint a city attorney, together with such assistant city attorneys as
512 may be authorized, and shall provide for the payment of such attorney or attorneys for
513 services rendered to the city. The city attorney shall be responsible for providing for the
514 representation and defense of the city in all litigation in which the city is a party; may be the
515 prosecuting officer in the municipal court; shall attend the meetings of the council as
516 directed; shall advise the city council, mayor, and other officers and employees of the city
517 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
518 required by virtue of the person's position as city attorney.

519 **SECTION 3.13.**

520 City clerk.

521 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
522 shall be custodian of the official city seal and city records; maintain city council records
523 required by this charter; and perform such other duties as may be required by the city
524 council. The city clerk shall be under the supervision of the mayor.

525 **SECTION 3.14.**

526 Personnel policies.

527 All employees serve at will and may be removed from office at any time unless otherwise
528 provided by ordinance.

529 **ARTICLE IV**

530 **JUDICIAL BRANCH**

531 **SECTION 4.10.**

532 Municipal court creation.

533 There shall be a court to be known as the Municipal Court of the City of Coolidge.

534 **SECTION 4.11.**

535 Chief judge; associate judge.

536 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
537 or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall possess all qualifications required by law. All judges shall be appointed by the mayor and city council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges serve at will and may be removed from office at any time by the mayor and city council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20 of this charter.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.13.

Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$500.00 or imprisonment for 90 days, or both such fine and imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and care of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a

defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Thomas County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.15.

Rules for court.

With the approval of the city council, the judge of municipal court shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in total the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

SECTION 4.16.

Indigent defense and prosecutor.

The mayor and council shall have the power to provide for a system of defense for indigent persons charged in the municipal court of the City of Coolidge with violations of ordinances state laws and for the prosecution of such cases by a prosecutor, and to provide for and

require the expense of same to be prorated over all criminal cases disposed of by the court, and all bond forfeitures in said cases, to be imposed by the municipal court judge and collected in all criminal cases and in bond forfeitures in such cases as costs in addition to fines, penalties, and all other costs.

ARTICLE V
ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.11.

Regular elections; time for holding.

(a) The mayor and councilmembers serving on the effective date of this charter shall serve out the remainder of their terms of office.

(b) There shall be elected the mayor and three councilmembers at one election and every four years thereafter. There shall be elected three councilmembers at the next succeeding election and every four years thereafter. Terms shall be for four years.

(c) Elections for mayor and city council shall be held on the Tuesday following the first Monday in November of each election year. At the 2010 election the mayor plus three councilmembers shall be elected for three-year terms, and beginning in 2013 their successors shall be elected for four-year terms. Beginning in 2011 there shall be an election for three councilmembers and they shall serve for four-year terms and their successors shall be elected to four-year terms.

SECTION 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices, and names of all candidates for city offices shall be listed without party designations.

SECTION 5.13.

Election by plurality.

The person receiving a plurality of the votes cast for the office of mayor shall be elected. The persons receiving the highest number of votes cast for city council positions shall be elected.

SECTION 5.14.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties required by Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.15.

Removal of officers.

(a) The mayor, councilmembers, and appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided shall in this paragraph have the right of appeal from the decision of the city council to the Superior Court of Thomas County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; and

(2) By an order of the Superior Court of Thomas County following a hearing on a complaint seeking such removal brought by any resident of the City of Coolidge.

ARTICLE VI**FINANCE****SECTION 6.10.**

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

The city council, by ordinance, shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Regulatory fees; permits.

The city council, by ordinance, shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city for regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter.

SECTION 6.14.

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years, and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads,

707 street railways, telephone companies, electric companies, electric membership corporations,
708 cable television and other telecommunications companies, gas companies, transportation
709 companies, and other similar organizations.

710 **SECTION 6.15.**

711 Service charges.

712 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
713 tolls for sewers, sanitary and health services, or any other services provided or made
714 available inside and outside the corporate limits of the city for the total cost to the city of
715 providing or making available such services. If unpaid, such charges shall be collected as
716 provided in Section 6.18 of this charter.

717 **SECTION 6.16.**

718 Special assessments.

719 The city council, by ordinance, shall have the power to assess and collect the cost of
720 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
721 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
722 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
723 collected as provided in Section 6.18 of this charter.

724 **SECTION 6.17.**

725 Construction; other taxes and fees.

726 The city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
727 and the specific mention of any right, power, or authority in this article shall not be construed
728 as limiting in any way the general powers of this city to govern its local affairs.

729 **SECTION 6.18.**

730 Collection of delinquent taxes and fees.

731 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
732 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
733 whatever reasonable means as are not precluded by law. This shall include providing for the
734 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
735 fi.fa.'s, creation and priority of liens; making delinquent taxes and fees the personal debts of
736 the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay
737 any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.

Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

SECTION 6.21.

Short-term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.22.

Lease purchase contracts.

The city may enter into multiyear lease, purchase, or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

SECTION 6.23.

Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting the reporting of each and every office, department, agency, and activity of the city government.

SECTION 6.24.

Preparation of budgets.

The city council shall provide a ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

SECTION 6.25.

Submission of operating budget to city council.

On or before a date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget required by this article, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

Action by city council on budget.

(a) The city council may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council, by ordinance, shall adopt the final operating budget for the ensuing fiscal year not later than the first day of the fiscal year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such unit, and no expenditure shall be made or

801 encumbrance created in excess of the otherwise unencumbered balance of the appropriations,
802 or allotment thereof, to which it is chargeable.

803 **SECTION 6.27.**

804 Tax levies.

805 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
806 set by such ordinance shall be such that reasonable estimates of revenues from such levy
807 shall at least be sufficient, together with other anticipated revenues, fund balances, and
808 applicable reserves, to equal the total amount appropriated for each of the several funds set
809 forth in the annual operating budget for defraying the expenses of the general government
810 of this city.

811 **SECTION 6.28.**

812 Changes in appropriations.

813 The city council, by ordinance, may make changes in the appropriations contained in the
814 current operating budget at any regular meeting or special or emergency meeting called for
815 such purpose but any additional appropriations may be made only from an existing
816 unexpended surplus.

817 **SECTION 6.29.**

818 Independent audit.

819 There shall be an annual independent audit of all city accounts, funds, and financial
820 transactions by a certified public accountant selected by the city council. The audit shall be
821 conducted according to generally accepted auditing principles. Any audit of any funds by
822 the state or federal government may be accepted as satisfying the requirements of this
823 charter. Copies of annual audit reports shall be available at printing costs to the public.

824 **SECTION 6.30.**

825 Contracting procedures.

826 No contract with the city shall be binding on the city unless:

- 827 (1) It is in writing;
828 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
829 course, is signed by the city attorney to indicate such drafting or review; and
830 (3) It is made or authorized by the city council, and such approval is entered in the city
831 council journal of proceedings pursuant to Section 2.21 of this charter.

SECTION 6.31.

Centralized purchasing.

The city council, by ordinance, shall prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.32.

Sale and lease of city property.

(a) The city council may sell and convey or lease any real or personal property owned or held by the city for government or other purposes as now or hereafter provided by law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII**GENERAL PROVISIONS****SECTION 7.10.**

Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Prior ordinances.

All ordinances, resolutions, rules, and regulations now in force in the city and not inconsistent with this charter are declared valid and of full effect and force until amended or repealed by the city council.

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 180 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.13.

Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

SECTION 7.14.

Construction.

(a) Section captions in this charter are informative only and are not to be considered as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.15.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect nor impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the

895 legislative intent in enacting this charter that each article, section, subsection, paragraph,
896 sentence, or part thereof be enacted separately and independent of each other.

897 **SECTION 7.16.**

898 Specific repealer.

899 An Act incorporating the City of Coolidge in the County of Thomas, State of Georgia,
900 approved March 5, 1976 (Ga. L. 1976, p. 2872), is repealed in its entirety; and all
901 amendatory Acts thereto are likewise repealed in their entirety. All other laws and parts of
902 laws in conflict with this charter are repealed.

903 **SECTION 7.17.**

904 Effective date.

905 This Act shall become effective upon its approval by the Governor or upon its becoming law
906 without such approval.

907 **SECTION 7.18.**

908 General repealer.

909 All laws and parts of laws in conflict with this Act are repealed.